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RUEHKA/AMEMBASSY DHAKA PRIORITY 1658
RUEHIL/AMEMBASSY ISLAMABAD PRIORITY 4429
RUEHLO/AMEMBASSY LONDON PRIORITY 5690
RUEHNE/AMEMBASSY NEW DELHI PRIORITY 1925
RUEHCI/AMCONSUL KOLKATA PRIORITY 3818
RUEHGV/USMISSION GENEVA PRIORITY 1866
RUCNDT/USMISSION USUN NEW YORK PRIORITY 2953
RUEKJCS/SECDEF WASHDC PRIORITY
RHMFIS/CDR USPACOM HONOLULU HI PRIORITY
RUEAIIA/CIA WASHDC PRIORITY
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C O N F I D E N T I A L SECTION 01 OF 02 KATHMANDU 001847

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TAGS: PGOV EAID KDEM NP

SUBJECT: NEPAL: CONSTITUENT ASSEMBLY ELECTION POSTPONED

REF: A. KATHMANDU 1826

¶B. KATHMANDU 1817
¶C. KATHMANDU 1811

Classified By: Ambassador Nancy J. Powell. Reasons 1.4 (b/d)

Summary

¶1. (C) Nepal's Election Commission announced the morning of October 5 that it was suspending the Constituent Assembly election scheduled for November 22. The Commission postponed the polls at the request of the Interim Government. All of the governing parties apparently agreed to the Maoist demand for a suspension, except for the major, center-left Communist Party of Nepal - United Marxist Leninist and two small leftist parties. According to the Speaker's Office, the Interim Parliament will begin its special session on October ¶11. The Interim Constitution will have to be amended to remove the reference to an election by December. No new date has been agreed upon. The special session is expected to also consider a resolution committing the parties to vote for a republic at the CA's first meeting, and may see a no-confidence challenge to Prime Minister Koirala. Post is currently evaluating various scenarios and how to reprogram USG election-related funds appropriately going forward.

Election Postponed

¶2. (U) The morning of October 5, the Election Commission issued a public announcement that it was suspending all of its programs for the November 22 Constituent Assembly election. The suspension came in response to a written request by Prime Minister Koirala to the Commission to postpone the polls, which the cabinet had approved. According to Embassy sources, an early morning meeting of the governing Six-Party Alliance with the Maoists reached agreement to suspend the election after Maoist chief Pushpa Dahal (aka Prachanda) insisted that if the election were not postponed immediately, the Maoists would resume nationwide protests. That meeting followed days of negotiations - ultimately fruitless -- between the Six-Party Alliance -- in particular the Prime Minister's Nepali Congress -- and the Maoists over an acceptable compromise under which the Maoists

would participate in the polls. October 5 was the rescheduled date for filing of candidate lists for the proportional seats in the CA election. Chief Election Commissioner Pokharel was on record that any further postponements in the filing dates would require the election to be put off.

Major Center-Left Party Dissatisfied

¶3. (C) According to press reports, three parties in the governing coalition objected to the suspension: the major, center-left Communist Party of Nepal - United Marxist Leninist (UML) and two minor leftist parties -- People's Front Nepal and Nepal Workers and Peasants Party. This was reportedly in the form of notes of dissent to the morning agreement. UML, unlike all the other parties, was generally regarded as well-prepared to contest the elections. Local media also reported that the Election Commissioners had resigned over the postponement, but when the Chief Election Commissioner called the Ambassador October 5, he spoke only of the "ethical dilemma" the Commission had faced. He did not mention resignation. IFES Country Representative Peter Erben told Mission staff October 5 that the Commissioners had been greatly concerned about the risk to life and limb of electoral staff if the election were to take place in the face of Maoist opposition.

Special Session of Parliament on October 11

¶4. (C) An assistant to Speaker of the Interim Parliament Subash Nemwang informed Emboff October 5 that the special

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session of the Parliament which Maoist MPs had constitutionally invoked would begin on October 11. Speaker Nemwang, who will depart Kathmandu October 6 to attend the UN General Assembly in New York, plans to return on the 11th. Amending Article 33 of the Interim Constitution to remove the reference to an election by the Nepali month of Mansir (by December 15) will have to be one of the Parliament's first orders of business. (Note: The second amendment to the Interim Constitution in June had changed the date from June to Mansir. End Note.) The parties and the Maoists have not yet agreed upon a new date, but participants in the negotiations on October 4 stated to post that April 8 was under consideration. The special session is expected to consider a resolution committing the parties to vote for a republic at the CA's first meeting. Prime Minister Koirala and the Six-Party Alliance had already promised to take this lesser step in reaction to the Maoist demand for the immediate declaration of a republic. Koirala may also face a no-confidence

Evaluating Scenarios and U.S. Programs

¶5. (C) Post is deploying the press guidance on the postponement of the CA election which we sent to the Department September 28 (Ref C). (Note: We have emailed the final version to SCA/PPD and the Nepal desk.) We are also evaluating various possible political scenarios in the wake of the postponement. Our previously scheduled exercise with S/CRS on October 10 will be useful in that regard. The Mission team has already begun evaluating its pre-election and election programming. Our initial assessment is that the loss of investment will be relatively minimal and that reprogramming of most the funds should prove possible. We are already considering where that reprogramming should be targeted.

Comment

¶6. (C) It is too early to judge the outcome of the Government

of Nepal (GON)'s decision to put off the November 22 Constituent Assembly election. We strongly suspect, however, that it will only further increase public cynicism about the political parties as well as prompt an up-tick in tensions, particularly in the Terai, where the GON has yet to fulfill its previous commitments. With the major Nepali holidays of Dasain and Tihar around the corner, our best guess is that there will be no major public protest -- at least not in Kathmandu. While the Maoists must bear the lion's share of the blame for the postponement, it is also apparent that the Nepali Congress, which as of October 4 had yet to establish election cells in many of Nepal's 75 districts, was at best ambivalent about holding the election in November. The Election Commission and, perhaps, the UML, may be the only major players to come out with their reputations intact.

POWELL